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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,250	02/18/2004	Marek Zywno	23227.P021D4	5000

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EXAMINER

COMPTON, ERIC B

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,250

Applicant(s)

ZYWNO, MAREK

Examiner

Eric B. Compton

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41, 42 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 41-42 45-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/18/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 3,134,336 to Huffman et al ("Huffman").

Regarding claim 41, Huffman discloses a fluid bearing (see Fig. 7) comprising a bearing plate (45) having a face surface; a surface restrictor on said face surface, said surface restrictor for restricting flow of fluid in said fluid bearing, said surface restrictor comprising a channel (47) formed on said face surface.

Regarding claim 42, the surface restrictor is etched on said face surface. See Col.6, lines 22-27, 27.

3. Claims 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 55-115973 to Matsumoto.

Regarding claim 45, Matsumoto discloses a method of forming a bearing member (see Fig. 2) for a fluid interface comprising: etching a pattern (via masks 15, 16) in a bearing plate surface of a bearing plate (see Fig. 4; JPO English Abstract "Constitution" (disclosing etching), said bearing plate surface providing a surface for said fluid interface and said pattern providing for fluid flow in said fluid interface.

Art Unit: 3726

Regarding claim 46, the fluid interface is a fluid bearing and the method further comprises bonding said bearing plate to a bearing member. See JPO English Abstract ("... a bearing rigid body 1 and is pressed by vacuum pack to assume a style, after which it is bonded to the rigid body 1 by means of an adhesive agent..").

Regarding claim 47, the bonding step comprises applying an adhesive which is flexible before hardening between a bonding surface of said bearing plate (13) and said bearing member (1) and pressing said bearing plate surface against a predetermined surface during at least a portion of a time that said adhesive hardens. "The foil 13 having been formed with the multiple small holes 14 in this way is would about an object of the curvature smaller than a bearing rigid body 1 and is pressed by vacuum pack to assume a style, after which it is bonded to the rigid body 1 by means of an adhesive agent." JPO English Abstract.

Regarding claim 48, the pattern comprises a fluid flow restrictor etched into said bearing plate surface. See Fig 4 (showing flow restrictor).

4. Claims 45-46 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 5,407,280 to Heinzl et al ("Heinzl").

Regarding claim 45, Heinzl discloses a method of forming a bearing member (see Figs) for a fluid interface comprising: etching a pattern (Col. 2, line 67 – Col. 3, line 5, 20-22) in a bearing plate surface of a bearing plate, said bearing plate surface providing a surface for said fluid interface and said pattern providing for fluid flow in said fluid interface.

Art Unit: 3726

Regarding claim 46, the fluid interface is a fluid bearing and the method further comprises bonding said bearing plate (22) to a bearing member (18). Col. 3, lines 16-20.

Regarding claim 48, the pattern comprises a fluid flow restrictor (e.g., a nozzle) etched into said bearing plate surface.

5. Claims 45-48 are rejected under 35 U.S.C. 102(b) as being anticipated by IBM Technical Disclosure entitled "Air Bearing Construction" ("IBM").

Regarding claim 45, IBM discloses a method of forming a bearing member (10) for a fluid interface comprising: etching a pattern in a bearing plate surface of a bearing plate, said bearing plate (14) surface providing a surface for said fluid interface and said pattern providing for fluid flow in said fluid interface.

Regarding claim 46, the fluid interface is a fluid bearing and the method further comprises bonding said bearing plate to a bearing member. "Plenum 10 and bearing plate 14 are connected by a heat curable adhesive."

Regarding claim 47, the bonding step comprises applying an adhesive which is flexible before hardening between a bonding surface of said bearing plate (14) and said bearing member (10) and pressing said bearing plate surface against a predetermined surface during at least a portion of a time that said adhesive hardens. "[A]fter the adhesive is applied to the parts and dried, the surface [10] and the plenum [14] are clamped together and heated to a temperature sufficient to cure the adhesive."

Regarding claim 48, the pattern comprises a fluid flow restrictor etched into said bearing plate surface.

Art Unit: 3726

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Compton whose telephone number is (703) 305-0240. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter B. Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eric Compton
Patent Examiner